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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JONATHON LEE RICHES,

Plaintiff,

v.

BRAD PITT, et al.,

Defendants.

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CIVIL ACTION NO. 07-14615

DISTRICT JUDGE DAVID M. LAWSON

MAGISTRATE JUDGE DONALD A. SCHEER

**REPORT AND RECOMMENDATION**

**I. RECOMMENDATION:**

I recommend that the Complaint be summarily dismissed for lack of subject matter jurisdiction.

**II. REPORT:**

**A. Procedural History**

Notwithstanding the fact that Plaintiff has neither paid the filing fee nor submitted a request for leave to file a complaint in forma pauperis, his handwritten Complaint was filed on October 29, 2007. On November 19, 2007, the assigned district judge referred the case to the magistrate judge for all pretrial purposes.

**B. Factual History**

The Complaint alleges that Defendants Brad Pitt and Angelina Jolie, both well known actors, and their four minor children conspired among themselves and with others to kidnap, enslave and abuse Madeleine McCann, a child of British nationality, whose disappearance has been the subject of substantial public discussion over the past several months. Plaintiff alleges that Defendants abducted the child from her parent's hotel room

in Portugal, and that they have transported her to Dearborn, Michigan, where she is currently being held against her will. Plaintiff seeks a Temporary Restraining Order prohibiting the adult Defendants from adopting any more children, and an Order under Fed.R.Civ.P. 64 directing Defendants to return McCann to her family. Plaintiff further seeks \$750,000,000.00 in damages from the Defendants, as well as the deportation of the minor Defendants. He further prays for the entry of a restraining order to stop international kidnaping, and moves to detain Defendants for questioning in connection with the mistreatment of himself as well as the McCann kidnaping.<sup>1</sup>

### **C. Analysis**

Fed.R.Civ.P. 12(h)(3) provides that “[w]hensoever it appears by suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter, the court shall dismiss the action.”

Article III of the Constitution confines federal courts to adjudicating actual “cases” or “controversies.” Allen v. Wright, 468 U.S. 737, 750, 104 S.Ct. 3315, 3324, 82 L.Ed.2d 556 (1984). The constitutional requirement is that the “plaintiff must allege personal injury fairly traceable to the defendant’s allegedly unlawful conduct and likely to be redressed by the requested relief.” Id. at 751, 104 S.Ct. At 3324. This “injury in fact” requirement mandates that the party allege “such a personal stake in the outcome of the controversy” as to warrant his invocation of federal-court jurisdiction.” Warth v. Seldin, 422 U.S. 490, 498, 95 S.Ct. 2197, 2205, 45 L.Ed.2d 343 (1975) (quoting Baker v. Carr, 369 U.S. 196, 204, 82 S.Ct. 691, 703, 7 L.Ed.2d 663 (1962)). As the Allen court noted, this constitutional component has not been precisely defined but requires an allegation that the injury is “distinct and palpable,” and “not ‘abstract’ or ‘conjectural’ or ‘hypothetical.’”

Associated Builders & Contractors v. Perry, 16 F.3d 688, 690-91 (6<sup>th</sup> Cir. 1994).

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<sup>1</sup> Plaintiff maintains that he “is not being fed by Defendants.”

A party invoking federal jurisdiction bears the burden of establishing the standing elements of (1) "injury in fact," (2) a causal connection between the injury and the conduct complained of, and (3) that the injury will be redressed by a favorable decision. Lujan v. Defenders of Wildlife, 504 U.S. 555 (1992); Kardules v. City of Columbus, 95 F.3d 1335, 1346 (6<sup>th</sup> Cir. 1996). Standing is an "essential and unchanging part of the case or controversy requirement of Article III." Lujan, 504 U.S. at 560. The party seeking entrance to a federal judicial forum bears the burden of asserting facts demonstrating that he is a proper party to invoke judicial resolution of the dispute. Warth v. Seldin, 422 U.S. 490, 518 (1975). Ordinarily, a party may not rely on the rights or interests of third parties to establish standing. Kowalski v. Tesmer, 543 U.S. 125, 129 (2004); Warth, 422 U.S. at 499.

The bizarre factual assertions of Plaintiff's Complaint, in the main, accuse the Defendants of various forms of criminal conduct directed against the person of Madeleine McCann. The crimes alleged include kidnaping, child abuse, identification and passport fraud, conspiracy, assault, stalking, harassment and identity theft. To the extent that such offenses occurred outside the jurisdictional limits of the United States, they lie beyond the adjudicative authority of this court. Even to the extent that Plaintiff alleges violations of United States criminal law, his Complaint raises no justiciable issue. A private citizen has no authority to initiate a federal criminal prosecution of another person for alleged unlawful acts. See Diamond v. Charles, 476 U.S. 54, 64-65 (1986). A private citizen simply lacks a judicially cognizable interest in the prosecution or non-prosecution of another.

Although the law of standing has been greatly changed in the last ten years, we have steadfastly adhered to the requirement that, at least in the absence of a statute expressly conferring standing, federal plaintiffs must allege some threatened or

actual injury resulting from the putatively illegal action before a federal court may assume jurisdiction.

Linda R.S. v. Richard D. and Texas, et al., 410 U.S. 614, 617 (1973). In the case at bar, Plaintiff has made no showing of a direct nexus between the vindication of his interests and the enforcement of criminal laws relating to the Defendants alleged conduct toward McCann. Under such circumstances, dismissal of the action for want of standing is required.

The only allegation in the Complaint suggesting an injury to Plaintiff's own interests is his statement that "Plaintiff is not being fed by Defendants." The Complaint does not reveal whether the assertion is intended to state a civil rights claim pursuant to 42 U.S.C. §1983, or some other form of common law tort. In either event, the claim is patently frivolous. The Defendants, motion picture actors and their minor children, are manifestly not state actors, as would be essential to a §1983 claim. Nor is there any conceivable basis upon which to infer any common law or statutory duty whatsoever on their part to provide nourishment to the Plaintiff. The burden of proving jurisdiction lies with the Plaintiff. Moir v. Greater Cleveland Regional Transit Authority, 895 F.2d 1266 (6<sup>th</sup> Cir. 1990). A district court may, at any time, dismiss a complaint for lack of subject matter jurisdiction pursuant to Rule 12(b)(1) "when the allegations of a complaint are totally implausible, attenuated, insubstantial, frivolous, devoid of merit, or no longer open to discussion." Apple v. Glenn, 183 F.3d 477, 479 (6<sup>th</sup> Cir. 1999). A complaint is frivolous "where it lacks an arguable basis either in law or in fact." Neitzke v. Williams, 490 U.S. 319, 325 (1989). "A complaint lacks an arguable or rational basis in law 'if it is based on legal theories that are indisputably meritless.'" Abner v. SBC, 86 F.Appx. 958 (6<sup>th</sup> Cir. 2004)

(quoting Brown v. Bargery, 207 F.3d 863, 866 (6<sup>th</sup> Cir. 2000)). "A complaint lacks an arguable or rational basis in fact if it describes 'fantastic or delusional scenarios.'" Abner, 86 F.Appx. at 958 (quoting Neitzke, 490 U.S. at 327-28). In my view, a Complaint by an imprisoned convict premised on the theory that movie actors and their minor children have failed to see to his dietary needs meets the standard necessary to warrant dismissal as a frivolous claim.<sup>2</sup>

It should be noted that this Plaintiff has filed at least 148 civil suits in various federal courts throughout the country. (See Exhibit 1). Many of his cases have been dismissed as frivolous or insubstantial claims. (See Exhibit 2). Whether Plaintiff's habitual filing of groundless lawsuits stems from unsoundness of mind, malicious intent to disrupt the legal system or some other etiology, he should not be permitted to burden the court with baseless claims. I recommend that the Complaint be summarily dismissed, with prejudice. I would further recommend that the court consider a local rule prohibiting the filing of any complaint as to which a plaintiff has failed to: (a) pay the filing fee, or (b) submit a properly completed IFP Application.<sup>3</sup> I suspect that Plaintiff's recreational litigation habit is fostered by his ability to file complaints without scrutiny or expense.

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<sup>2</sup> Even if it were otherwise, venue would lie in South Carolina, where Plaintiff is confined and the alleged acts of deprivation occurred. There is nothing in this record to suggest that any Defendant resides in this judicial district, or that this court is otherwise the appropriate forum to hear Plaintiff's case.

<sup>3</sup> As Plaintiff has already had three civil rights complaints dismissed as frivolous, any future IFP actions would be subject to dismissal under 28 U.S.C. §1915(g). See Exhibit B-6.

### III. NOTICE TO PARTIES REGARDING OBJECTIONS:

The parties to this action may object to and seek review of this Report and Recommendation, but are required to act within ten (10) days of service of a copy hereof as provided for in 28 U.S.C. Section 636(b)(1) and E.D. Mich. LR 72.1(d)(2). Failure to file specific objections constitutes a waiver of any further right of appeal. United States v. Walters, 638 F.2d 947 (6th Cir. 1981), Thomas v. Arn, 474 U.S. 140 (1985), Howard v. Secretary of HHS, 932 F.2d 505 (6th Cir. 1991). Filing of objections that raise some issues but fail to raise others with specificity, will not preserve all the objections a party might have to this Report and Recommendation. Smith v. Detroit Federation of Teachers Local 231, 829 F.2d 1370, 1373 (6th Cir. 1987), Willis v. Secretary of HHS, 931 F.2d 390, 401 (6th Cir. 1991). Pursuant to E.D. Mich. LR 72.1(d)(2), a copy of any objections is to be served upon this Magistrate Judge.

Within ten (10) days of service of any objecting party's timely filed objections, the opposing party may file a response. The response shall not be more than five (5) pages in length unless by motion and order such page limit is extended by the Court. The response shall address specifically, and in the same order raised, each issue contained within the objections.



DONALD A. SCHEER  
UNITED STATES MAGISTRATE JUDGE

DATED: 11/28/07

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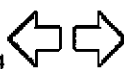
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### Civil Cases

Name	Court	Case No.	Filed	NOS	Closed
109 RICHES, JONATHAN LEE	<u>njdce</u>	<u>1:2007cv05061</u>	10/22/2007	550	10/26/2007
110 RICHES, JONATHAN LEE	<u>candce</u>	<u>3:2007cv05082</u>	10/03/2007	555	10/25/2007
111 RICHES, JONATHAN LEE	<u>candce</u>	<u>3:2007cv05197</u>	10/11/2007	550	10/25/2007
112 RICHES, JONATHAN LEE	<u>candce</u>	<u>3:2007cv05198</u>	10/11/2007	550	10/25/2007
113 RICHES, JONATHAN LEE	<u>candce</u>	<u>3:2007cv05199</u>	10/11/2007	550	10/25/2007
114 RICHES, JONATHAN LEE	<u>candce</u>	<u>3:2007cv05200</u>	10/11/2007	550	10/25/2007
115 RICHES, JONATHAN LEE	<u>candce</u>	<u>3:2007cv05201</u>	10/11/2007	550	10/26/2007
116 RICHES, JONATHAN LEE	<u>candce</u>	<u>3:2007cv05292</u>	10/17/2007	550	
117 RICHES, JONATHAN LEE	<u>candce</u>	<u>3:2007cv05336</u>	10/19/2007	550	
118 RICHES, JONATHAN LEE	<u>candce</u>	<u>3:2007cv05419</u>	10/24/2007	550	
119 RICHES, JONATHAN LEE	<u>candce</u>	<u>3:2007cv05420</u>	10/24/2007	550	
120 RICHES, JONATHAN LEE	<u>candce</u>	<u>3:2007cv05421</u>	10/24/2007	550	
121 RICHES, JONATHAN LEE	<u>candce</u>	<u>3:2007cv05572</u>	11/01/2007	550	
122 RICHES, JONATHAN LEE	<u>candce</u>	<u>3:2007cv05645</u>	11/07/2007	550	
123 RICHES, JONATHAN LEE	<u>candce</u>	<u>3:2007cv05654</u>	11/07/2007	550	
124 RICHES, JONATHAN LEE	<u>candce</u>	<u>3:2007cv05655</u>	11/07/2007	550	
125 RICHES, JONATHAN LEE	<u>candce</u>	<u>3:2007cv05656</u>	11/07/2007	550	
126 RICHES, JONATHAN LEE	<u>ilndce</u>	<u>1:2007cv05984</u>	10/23/2007	550	10/31/2007
127 RICHES, JONATHAN LEE	<u>cacdce</u>	<u>2:2007cv06947</u>	10/25/2007	440	
128 RICHES, JONATHAN LEE	<u>cacdce</u>	<u>2:2007cv06949</u>	10/25/2007	550	
129 RICHES, JONATHAN LEE	<u>laedce</u>	<u>2:2007cv07200</u>	11/05/2007	360	11/15/2007
130 RICHES, JONATHAN LEE	<u>madce</u>	<u>1:2006cv10499</u>	03/17/2006	550	06/15/2006
131 RICHES, JONATHAN LEE	<u>madce</u>	<u>1:2007cv11817</u>	09/26/2007	540	10/22/2007
132 RICHES, JONATHAN LEE	<u>madce</u>	<u>1:2007cv11972</u>	10/17/2007	550	10/29/2007
133 RICHES, JONATHAN LEE	<u>madce</u>	<u>1:2007cv12013</u>	10/23/2007	550	10/26/2007
134 RICHES, JONATHAN LEE	<u>miedce</u>	<u>2:2007cv13041</u>	07/23/2007	555	08/08/2007
135 RICHES, JONATHAN LEE	<u>flsdce</u>	<u>2:2007cv14308</u>	10/11/2007	440	11/14/2007
136 RICHES, JONATHAN LEE	<u>miedce</u>	<u>1:2007cv14469</u>	10/22/2007	440	
137 RICHES, JONATHAN LEE	<u>flsdce</u>	<u>1:2007cv20042</u>	01/05/2007	550	01/24/2007
138 RICHES, JONATHAN LEE	<u>flsdce</u>	<u>0:2007cv61371</u>	09/26/2007	440	11/06/2007

**Criminal Cases**

Name	Court	Case No.	Filed	Closed
139 RICHES, JONATHAN LEE	<a href="#">txsdce</a>	<a href="#">4:2003cr00090</a>	03/24/2003	06/10/2004
140 RICHES, JONATHAN LEE	<a href="#">flmdce</a>	<a href="#">8:2003mj00097</a>	02/25/2003	
141 RICHES, JONATHAN LEE	<a href="#">txsdce</a>	<a href="#">4:2003mj00132</a>	02/21/2003	

**Appellate Cases**

Name	Court	Case No.	Filed	NOS	Closed
142 RICHES, JONATHAN LEE	<a href="#">09ca</a>	<a href="#">07-16616</a>	09/10/2007	3550	11/06/2007
143 RICHES, JONATHAN LEE	<a href="#">01ca</a>	<a href="#">07-2391</a>	09/12/2007	2550	
144 RICHES, JONATHAN LEE	<a href="#">04ca</a>	<a href="#">07-7248</a>	08/27/2007	0	10/15/2007
145 RICHES, JONATHAN LEE	<a href="#">04ca</a>	<a href="#">07-7267</a>	08/30/2007	0	10/10/2007
146 RICHES, JONATHAN LEE	<a href="#">04ca</a>	<a href="#">07-7394</a>	10/02/2007	0	

**Appellate Cases**

147 RICHES, JONATHAN LEE	<a href="#">06cae</a>	<a href="#">07-2123</a>	09/19/2007	3555	
148 RICHES, JONATHAN LEE	<a href="#">06cae</a>	<a href="#">07-4130</a>	09/13/2007	3440	


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11/21/2007 08:43:12			
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Description:	All Types srch pg 3	Search Criteria:	RICHES, JONATHAN
Billable Pages:	1	Cost:	0.08


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EXHIBIT B-1

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JONATHON LEE RICHES©  
d/b/a "SECURED PARTY,"

Plaintiff,

CASE NUMBER: 07-13041  
HONORABLE VICTORIA A. ROBERTS

v.

GUANTANAMO BAY, THE HAGUE,  
ABU GHRAIB PRISON, SOVIET GULAG  
ARCHIPELAGO, BELLEVUE HOSPITAL,  
TEHRAN IRANS EVIN PRISON, RICKERS ISLAND,  
UNITED STATES PENITENTIARY COLEMAN  
FLORIDA, AUSCHWITZ CONCENTRATION CAMP,  
SAN QUENTIN, CHESTER COUNTY PRISON  
PENNSYLVANIA, GENEVA CONVENTION, MY LAI  
MASSACRE, ATTICA CORRECTIONAL FACILITY, COOL  
HAND LUKE, COOK COUNTY JAIL, ROBBINS ISLAND,  
BATAAN DEATH MARCH, ALCATRAZ PENITENTIARY,  
GEO GROUP, NAVY BRIG CHARLESTON S.C.,  
"TDCJ" TEXAS DEPARTMENT OF CRIMINAL JUSTICE,  
HILLSBOROUGH COUNTY JAIL TAMPA FLORIDA;  
SHAWSHANK REDEMPTION, CORRECTION CORP. OF  
AMERICA "CCA",

Defendants.

ORDER DISMISSING PLAINTIFF'S COMPLAINT

Jonathon Lee Riches ("Plaintiff") filed a Complaint against Guantanamo Bay, The Hague, Abu Grab Prison, Soviet Gulag Archipelago, Bellevue Hospital, Tehran Iran's Evin Prison, Riker's Island, United States Penitentiary Coleman Florida, Auschwitz Concentration Camp, San Quentin, Chester County Prison Pennsylvania, Geneva Convention, My Lai Massacre, Attica Correctional Facility, Cool Hand Luke, Cook

County Jail, Robbins Island, Bataan Death March, Alcatraz Penitentiary, Geo Group, Navy Brig Charleston S.C., "TDCJ" Texas Department Criminal Justice, Hillsborough County Jail Tampa Florida, Shawshank Redemption, Correction Corp. Of America "CCA" (collectively "Defendants"). Plaintiff alleges that Defendants *inter alia* engaged in a conspiracy to: 1) kidnap his mind; 2) steal his identity; 3) violate his copyrighted name; 4) force him to eat rats; and 5) subject him to microwave testing. Plaintiff seeks \$728 trillion dollars in damages.

The Court generally may not *sua sponte* dismiss a complaint where the filing fee has been paid unless the court gives the plaintiff the opportunity to amend the complaint. *Tingler v. Marshall*, 716 F.2d 1109, 1111-12 (6th Cir.1983). A dismissal, however, is warranted "pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure when the allegations of a complaint are totally implausible, attenuated, unsubstantial, frivolous, devoid of merit, or no longer open to discussion." *Apple v. Glenn*, 183 F.3d 477, 479 (6th Cir.1999); *see also Dekoven v. Bell*, 142 F.Supp.2d 748, 755 (E.D.Mich. 2001). A complaint may be dismissed as frivolous "where it lacks an arguable basis either in law or in fact" and includes allegations that are "clearly baseless", "fantastic", or "delusional." *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *see also, Denton v. Hernandez*, 504 U.S. 25, 32 (1992).

Because Plaintiff's allegations are baseless, fantastic and delusional, the Court dismisses his Complaint.

**IT IS SO ORDERED.**

Dated: 8/8/07

S/Victoria A. Roberts  
Victoria A. Roberts  
United States District Judge

The undersigned certifies that a copy of this document was served on the attorneys of record and pro se plaintiff by electronic means or U.S. Mail on August 8, 2007.

s/Carol A. Pinegar \_\_\_\_\_  
Deputy Clerk

Date

Time

EXHIBIT B-2

FILED  
CLERK, U. S. DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FT. MYERS, FLORIDAUNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

Initials

JONATHAN LEE RICHES,

Plaintiff,

-vs-

Case No. 6:07-cv-1504-Orl-31KRS

ORENTHAL JAMES SIMPSON; STEVE  
JOBS; AND APPLE COMPUTER, INC.,

2:07-mc-33-F+M

Defendants.

## ORDER

This matter comes before the Court on the complaint (Doc. 1) filed by the Plaintiff, Jonathan Lee Riches ("Riches"), who is currently incarcerated at FCI Williamsburg. A cursory review of the complaint is sufficient to establish that it is nothing more than fanciful nonsense, with Riches accusing the Defendants of a litany of offenses ranging from the wildly improbable to the flatly impossible, with the latter predominating. For example, Riches alleges that Simpson has been Jobs's "hitman" since the "1985 MOVE house bombing in Philadelphia, which Jobs started with borrowed pyrotechnics from Great White." The remainder of the Complaint continues in the same outlandish vein, with Dolly the Sheep, Lance Armstrong's bicycle, Princess Diana, and the United Auto Workers making appearances, among many others. The whole thing reads like a cross between Billy Joel's "We Didn't Start the Fire" and a Dr. Bronner's soap label, if Dr. Bronner had been a first-year law student with untreated paranoid schizophrenia.

This is not Riches's first appearance before the undersigned. Several weeks ago, he filed suit against Elvis Presley and Neverland Ranch for, *inter alia*, "WAR CRIMES Rock N Rollin My

SCANNED



Brain." (Doc. 1 at 1 in Case No. 6:07-cv-1378-GAP-KRS). Riches even has his own Wikipedia entry – [http://en.wikipedia.org/wiki/Jonathan\\_Lee\\_Riches](http://en.wikipedia.org/wiki/Jonathan_Lee_Riches) – chronicling some of the dozens of similar suits he has filed in federal courts across the country.

It is not clear whether these outlandish pleadings are products of actual mental illness or simply a hobby akin to short story writing. Whatever their origin, and though they are amusing to the average reader, they do nothing more than clog the machinery of justice, interfering with the court's ability to address the needs of the genuinely aggrieved. It is time for them to stop.

The Court notes that Riches did not pay the filing fee in either of the cases he filed here. Rather than impose sanctions, the Court will simply require that he pay that fee with any future complaints. If this requirement fails to dissuade Riches from further meritless filings, the Court will impose stiffer requirements and/or sanctions until Riches finds another way to occupy his time.

In consideration of the foregoing, it is hereby

**ORDERED AND ADJUDGED** that the Complaint (Doc. 1) is **DISMISSED WITH PREJUDICE** as obviously frivolous, and the Clerk is directed to close the case. And it is further

**ORDERED** that the Plaintiff, Jonathan Lee Riches, is **RESTRICTED** from filing any civil complaints in this Court without payment of the full statutory filing fee. The Clerk is directed to **REFUSE** any complaint that is not accompanied by that fee at the time of its attempted filing.

**DONE and ORDERED** in Chambers, Orlando, Florida on September 24, 2007.

  
**GREGORY A. PRESNELL**  
**UNITED STATES DISTRICT JUDGE**

Copies furnished to:

Counsel of Record  
Unrepresented Party

OCT 24 2007

ROBERT H. SHENWELL, CLERK  
BY                      DEPUTY

EXHIBIT B-3

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA DIVISION

JONATHAN LEE RICHES

CIVIL ACTION NO. 07-1656-A

-VS-

JUDGE DRELL

JENA 6, et al.

MAGISTRATE JUDGE KIRK

---

ORDER

Before the Court is plaintiff Jonathan Lee Riches' self-styled "Motion for Clarification" (attached as Exhibit 1 and not accepted for filing), seeking further explanation of our October 4, 2007 order. In the interest of transparency, and because this is the first document by the plaintiff we have seen that is not patently ludicrous, we explain and refine the order.

Mr. Riches, as noted in our October 4 order and as demonstrated in the attachment thereto, has made a hobby of filing suits in federal court during his incarceration. The suits conform to the following template:

- (1) Name as plaintiff the first thing that comes to mind. (It need not be a juridical person; an abstract concept will do.)
- (2) Using free association, string together incoherent paragraphs to form a complaint.
- (3) Wait for the inevitable dismissal of the complaint as frivolous or otherwise.<sup>1</sup>

---

<sup>1</sup> Mr. Riches' complaints have already been dismissed as frivolous under 28 U.S.C. § 1915 or § 1915A in the following cases: Riches v. Craig, 2007 U.S. Dist. LEXIS 75090, 2007 WL 2964256 (D. Del. 2007); Riches v. Peterson, 2007 U.S. Dist. LEXIS 76477, 2007 WL 2900401 (D. Cal. 2007);

The joke, we must admit, is at first mildly amusing, but it grows tedious in the retelling. It is too predictable and too tired; more important, it is a drain on the judicial system. The time spent simply disposing of Mr. Riches' frivolous complaints takes away from other, more productive, work.

We are reminded of "The Boy Who Cried Wolf," although, given the nonsensical nature of Mr. Riches' complaints, it would be more appropriately entitled "The Boy Who Cried Jabberwocky." To flood the Courts with indisputably frivolous complaints like the one dismissed in this case weakens his credibility in any future non-frivolous case he might bring. Mr. Riches is advised to observe a moment of silent reflection before submitting any more of these frivolous suits.

We recognize Mr. Riches' constitutional right to be heard, but that right extends only to non-frivolous complaints. See, e.g., 28 U.S.C. §§ 1915 and 1915A. Based on Mr. Riches' history of frivolous lawsuits and to prevent widespread attention when they are docketed and made public, the Court will henceforth screen anything from Mr. Riches with utmost vigilance and allow only non-

---

Riches v. Schiavo, 2007 U.S. Dist. LEXIS 68827, 2007 WL 2729681 (D. Fla. 2007); Riches v. Williams, 2007 U.S. Dist. LEXIS 67446 (D. Va. 2007); and Riches v. Swartz, 2007 U.S. Dist. LEXIS 58918, 2007 WL 2319819 (D. Va. 2007). Furthermore, a magistrate judge has recommended dismissal of the complaint as frivolous (though the current status is not clear) in the following cases: Riches v. Newdow, 2007 U.S. Dist. LEXIS 77609, 2007 WL 3046051 (D. Cal. 2007); Riches v. Rudolph, 2007 U.S. Dist. LEXIS 77867, 2007 WL 3053312 (D. Cal. 2007); Riches v. Weaver, 2007 U.S. Dist. LEXIS 76335 (D. Cal. 2007); Riches v. Kaczynski, 2007 U.S. Dist. LEXIS 75040 (D. Cal. 2007); and Riches v. Gov't Snitches & Informants, Inc., 2007 U.S. Dist. LEXIS 60031 (D. Fla. 2007).

frivolous claims to be docketed.<sup>2</sup> In order to balance the Court's interest in controlling its docket against Mr. Riches' right to be heard in non-frivolous suits,

IT IS ORDERED that Jonathan Lee Riches is barred from making any further filings in the Western District of Louisiana without first obtaining permission of the Court. In the event Mr. Riches attempts to file ANYTHING in this district without proof of the Court's permission, the Clerk is directed to discard it and not accept it for filing, effective immediately. This ruling is not conditioned on whether the suit is in forma pauperis or paid in full. The rule and requirement herein is the same in either case.

SIGNED on this 24<sup>th</sup> day of October, 2007, at Alexandria, Louisiana.



DEE D. DRELL  
UNITED STATES DISTRICT JUDGE

---

<sup>2</sup> Cf. 28 U.S.C. § 1915(A):

(a) Screening. The court shall review, before docketing, if feasible or, in any event, as soon as practicable after docketing, a complaint in a civil action in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity.

(b) Grounds for dismissal. On review, the court shall identify cognizable claims or dismiss the complaint, or any portion of the complaint, if the complaint--

(1) is frivolous, malicious, or fails to state a claim upon which relief may be granted; or \* \* \*

Id. (emphasis added).

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA

U.S. DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
RECEIVED

OCT 15 2007

ROBERT H. STEWELL, CLERK  
BY PC DEPUTY  
SHREVEPORT

no order

Jonathan Lee Riches, ©

Plaintiff

v.

CIV. L. NO: 07-1656-A  
JLR

JENA 6, et al.

MOTION FOR CLARIFICATION

Comes Now the Plaintiff, Jonathan Lee Riches, © in pro-se, Moves this Honorable Chief Judge for Clarification on Magistrate Judge Kirk and United States District Judge Dee D. Drell's Order barring me from making any future filings in the Western District of Louisiana. Plaintiff prays to hear Clarification

1

Plaintiff has a Constitutional right to be heard in this Court and the Western District of Louisiana if a party injures me in the future, It's this Court saying I'm barred in any, shape, or form from filing a future lawsuit if I pay the \$350.00 filing fee? The ACLU has told me personally on 10-9-07 to ask this question, I'm forwarding a copy to the 5<sup>th</sup> circuit court of Appeals

Respectfully  
Submitted



Jonathan Lee Riches

CC: 5<sup>th</sup> circuit court of Appeals

Name: Jonathan Lee Riches (C)  
Register Number: 40948-018  
F.C.I. Williamsburg  
Inmate Mail  
P.O. Box 340  
Salters, SC 29590

FLORENCE SC 2  
10 OCT 2007 PM

United States Court of Western  
District of Louisiana  
Clerk of Court  
300 FANNIN ST. Suite 1167  
SHREVEPORT, Louisiana 71101

Notice of  
APPEAL

71101+3000 11/10/10 11:10:10

FC/SCP WILLIAMSBURG  
P O BOX 220  
SALTERS, SC 29590  
Date: 10/16/07

The enclosed letter was processed through special mail procedures for forwarding to you. The letter was neither opened nor inspected. If the writer raises a problem over which this facility has jurisdiction, you may wish to return the material for further information or clarification. If the writer encloses correspondence for forwarding to another address, return the enclosure to the above address.

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OCT 04 2007

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BY RA DEPUTY

EXHIBIT B-4

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA DIVISION

*Bars Riches from any  
further Filings*

JONATHAN LEE RICHES

CIVIL ACTION NO. 07-1656-A

-VS-

JUDGE DRELL

JENA 6, et al.

MAGISTRATE JUDGE KIRK

---

ORDER

This action by Jonathan Lee Riches, an inmate at the Federal Correctional Institute in Williamsburg, South Carolina, has been rejected for filing deficiencies. This plaintiff is known to the Court as a charlatan who apparently simply has nothing else to do but draft spurious suits to file in federal court. See, as an attachment to this Order, the Pacer United States Party/Case Name Index.

While most courts appreciate a good joke, there is nothing funny about his suits, which are intended to garner publicity and nothing else. Mr. Riches has also already gained his own entry in Wikipedia, a dubious honor in such circumstances. The Court will not waste perfectly good time and resources in allowing Mr. Riches an inroad into the system

Accordingly, and in appreciation of this Court's inherent power to control its docket, this suit is DISMISSED and Mr. Riches is barred from making any



further filings in the Western District of Louisiana. ANY pleadings, materials, documents and anything else received from him are to be discarded by the Clerk and not accepted for filing, effective immediately.

SIGNED on this 4<sup>th</sup> day of October, 2007, at Alexandria, Louisiana.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

DEE D. DRELL  
UNITED STATES DISTRICT JUDGE

# U.S. Party/Case Index

## All Types Name Search Results

77 Total Party matches for selection RICHES, JONATHAN LEE for ALL COURTS  
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1 RICHES, JONATHAN LEE	flmdce	2:2007mc00033	09/27/2007		09/27/2007
In re: Jonathan Lee Riches					
2 RICHES, JONATHAN LEE	wydcce	2:2006cv00081	03/23/2006	550	05/18/2006
Riches v. United States Military et al					
3 RICHES, JONATHAN LEE	medce	2:2007cv00124	07/16/2007	550	08/28/2007
RICHES v. FEDERAL JUDICIAL SYSTEM et al					
4 RICHES, JONATHAN LEE	wvndce	1:2007cv00130	09/24/2007	470	
Riches v. Crandall Canyon Mine et al					
5 RICHES, JONATHAN LEE	flndce	1:2007cv00150	08/16/2007	440	
RICHES v. ONSTAR CORPORATION et al					
6 RICHES, JONATHAN LEE	medce	2:2007cv00169	09/21/2007	550	
RICHES v. FANFAN et al					
7 RICHES, JONATHAN LEE	gamdce	1:2007cv00176	09/10/2007	820	
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8 RICHES, JONATHAN LEE	scdce	6:2006cv00194	01/27/2006	540	03/17/2006
Riches v. Bureau of Prisons et al					
9 RICHES, JONATHAN LEE	nhdce	1:2007fp00212	07/16/2007	550	
Riches v. Jewish Mossad et al					
10 RICHES, JONATHAN LEE	pawdce	1:2007cv00255	09/24/2007	440	
RICHES v. KARR et al					
11 RICHES, JONATHAN LEE	okedce	6:2007cv00292	09/14/2007	840	
Riches v. Underwood					
12 RICHES, JONATHAN LEE	nvdce	2:2006cv00293	03/08/2006	550	05/07/2007
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13 RICHES, JONATHAN LEE	iasdce	4:2007cv00369	08/20/2007	550	
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14 RICHES, JONATHAN LEE	innndce	3:2007cv00375	08/14/2007	550	08/16/2007
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15 RICHES, JONATHAN LEE	kywdce	3:2007cv00376	07/17/2007	550	
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Riches v. Snipes

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Riches v. Swartz et al

18 RICHES, JONATHAN LEE ncwdce 3:2007cv00384 09/12/2007 550 09/20/2007  
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19 RICHES, JONATHAN LEE flndce 4:2007cv00408 09/21/2007 555  
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20 RICHES, JONATHAN LEE vawdce 7:2007cv00427 09/05/2007 550 09/12/2007  
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21 RICHES, JONATHAN LEE vaedce 3:2007cv00434 07/23/2007 550  
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22 RICHES, JONATHAN LEE scdce 4:2006cv00442 02/16/2006 440 03/22/2006  
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23 RICHES, JONATHAN LEE dedce 1:2007cv00538 09/07/2007 555  
Riches v. Craig et al

24 RICHES, JONATHAN LEE vaedce 3:2007cv00594 09/25/2007 550  
Riches v. Simpson et al

25 RICHES, JONATHAN LEE vaedce 3:2007cv00606 10/03/2007 550  
Riches v. Lindh et al

26 RICHES, JONATHAN LEE flmdce 2:2007cv00619 09/24/2007 555  
Riches v. Noriega

27 RICHES, JONATHAN LEE aredce 4:2007cv00780 08/28/2007 550 10/02/2007  
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28 RICHES, JONATHAN LEE nmdce 6:2007cv00843 08/28/2007 440  
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29 RICHES, JONATHAN LEE flmdce 3:2007cv00893 09/19/2007 440  
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30 RICHES, JONATHAN LEE paedce 2:2006cv01055 03/09/2006 550 07/26/2006  
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33 RICHES, JONATHAN LEE nvdce 2:2007cv01282 09/19/2007 550  
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AUG 13 2007

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISIONJOHN F. CORCOBAN, CLERK  
BY: *O. Thompson*  
DEPUTY CLERKJONATHAN LEE RICHES,  
Plaintiff,

v.

JON SWARTZ, et al.,  
Defendants.

Civil Action No. 7:07-cv-00379

MEMORANDUM OPINIONBy: Samuel G. Wilson  
United States District Judge

Plaintiff Jonathan Lee Riches, a Federal inmate proceeding pro se, brings this action under the Civil Rights Act, 42 U.S.C. § 1983, with jurisdiction vested under 28 U.S.C. § 1343. Riches alleges that the defendants have violated his rights by "trading with the enemy," hacking his computer, and committing copyright infringement, murder, treason, illegal wiretapping, identity theft, phishing, spamming, code cracking, and "federal tort claims." As Riches has not submitted the necessary \$350 filing fee for a civil action, the court will also construe his pleading as a request to proceed in forma pauperis and deny that request. The court finds that Riches' claims are frivolous and, therefore, dismisses his complaint without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(i).<sup>1</sup>

## I.

Riches names Jon Swartz of USA Today and cardcops.com, "Virginia Tech Shooting," Ed Mierzewski of U.S. PIRG (a federation of state Public Interest Research Groups), "creditcards.com," "Phishing," and the "World Wide Web" as defendants to his action. Riches alleges that defendant Swartz is a reporter for USA Today and cardcops.com, who writes about

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<sup>1</sup> The court also notes that none of the named defendants are proper defendants in action pursuant to § 1983. West v. Atkins, 487 U.S. 42 (1988); McCoy v. Chesapeake Correctional Center, 788 F. Supp. 890 (E.D. Va. 1992). However, the court will not give Riches the opportunity to amend his complaint because his allegations are nevertheless frivolous.

cybercrime. Riches alleges that Swartz's stories "show the know how and encourage[] people to commit cybercrime," which, he claims "is entrapment." Swartz allegedly writes about how to commit credit card fraud, encode data on a magnetic strip, and steal someone's identity. "Then he sits back and waits. Then reports the crime to the FBI for whistle blowing money."

Riches further alleges that Swartz "provided Cho [Seung-Hui, the Virginia Tech gunman,] the credit card to buy handguns to shoot Virginia Tech," that he "showed Cho how to boost his credit score to get higher available credit," and that he "showed Cho how to commit identity theft and phishing over the w[orld] w[ide] w[eb]." Riches continues on to state that Swartz is involved in a "vast conspiracy" with defendant Ed Mierzewski, students of Norris Hall (an engineering classroom building located on the Virginia Tech campus), and "convicted computer hackers and phreakers"<sup>2</sup> to use his online hacking handle "Gino Romano" to publish different ways to "do cybercrime." He also claims that they "hacked [his] mind."

As relief, Riches seeks a restraining order against Swartz and Virginia Tech, preventing them from publishing any articles and ordering them to stay away from Riches, to stop using his "copyrighted name" in newspaper articles, to stop calling him a "super hacker," and to stop violating his "6th Amendment rights to being a[n] identity th[ief] [and] identity fraud kingpin which was not proven by a jury [sic]."

## II.

To state a cause of action under §1983, a plaintiff must establish that he has been deprived of rights guaranteed by the Constitution or laws of the United States and that such deprivation is a

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<sup>2</sup> "Phreakers" is the slang term for people who study, experiment with, or explore telephone systems, the equipment of telephone companies, and systems connected to public telephone networks. See Wikipedia, <http://en.wikipedia.org/wiki/Phreaking> (last visited August 8, 2007).



result of conduct committed by a person acting under color of state law. West v. Atkins, 487 U.S. 42 (1988). Where an inmate is proceeding in forma pauperis, “the court shall dismiss the case at any time if the court determines that . . . the action . . . is frivolous . . .” § 1915(e)(2)(B)(i). Fantastical or delusional claims are clearly baseless and, thus, are insufficient to withstand the court’s evaluation for frivolity dismissal under § 1915(e)(2)(B)(i). See Denton v. Hernandez, 504 U.S. 25, 33 (1992); Neitzke v. Williams, 490 U.S. 319, 327 (1989). In this case, Riches’ allegations are clearly fantastic and fail to establish that he has been deprived of a constitutionally or federally protected right. Therefore, the court dismisses his complaint as frivolous.

### III.

For the reasons stated, the court will dismiss Riches’ complaint without prejudice pursuant to § 1915(e)(2)(B)(i).<sup>3</sup>

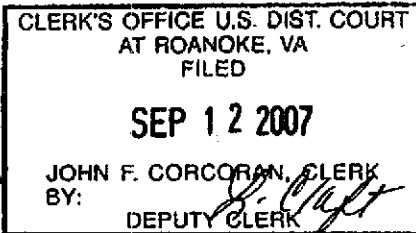
The Clerk is directed to send a certified copy of this Memorandum Opinion and the accompanying Order to plaintiff.

ENTER: This 13<sup>th</sup> day of August, 2007.

  
\_\_\_\_\_  
United States District Judge

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<sup>3</sup> Pursuant to 28 U.S.C. § 1915(g), a prisoner may not bring a civil action under this statute, if on three or more occasions, he has brought an action or an appeal in the federal court that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury. 28 U.S.C. § 1915(g). A search on PACER reveals that in addition to having six cases dismissed for failure to comply and seven cases currently pending throughout the United States, Riches already has one strike assessed against him. See Riches v. Doe, No. 1:07cv20042 (S.D. Fla. Jan. 24, 2007). Riches is hereby put on notice that the dismissal of this case as frivolous now counts as his second strike.



**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

**JONATHAN LEE RICHES,**  
**Plaintiff,**

**v.**

**VENUS WILLIAMS, et al.,**  
**Defendants.**

Civil Action No. 7:07-cv-00427

**MEMORANDUM OPINION**

By: Samuel G. Wilson  
United States District Judge

Plaintiff Jonathan Lee Riches, a Virginia prisoner proceeding pro se, filed this complaint which the court will construe as an action pursuant to 42 U.S.C. § 1983. As Riches has not submitted the necessary \$350.00 filing fee for a civil action, the court will also construe his pleading as a request to proceed in forma pauperis and deny that request.

According to court records, Riches has had three previous civil rights complaints dismissed on the grounds that they were frivolous, malicious, or failed to state a claim.<sup>1</sup> Therefore, Riches may not proceed with this action unless he either pays the \$350.00 filing fee or shows that he is "under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).


As Riches has neither prepaid the filing fee nor demonstrated that he is "under imminent danger of serious physical injury,"<sup>2</sup> the court dismisses his complaint without prejudice.<sup>3</sup>

<sup>1</sup> See Riches v. Bush, No. 4:06cv00442 (D. S.C. Mar. 22, 2006); Riches v. Doe, No. 1:07cv20042 (S.D. Fla. Jan. 24, 2007); Riches v. Swartz, No. 7:07cv00379 (W.D. Va. Aug. 13, 2007). The court notes, that in his last case before this court, Riches v. Swartz, No. 7:07cv00379 (W.D. Va. Aug. 13, 2007), the court advised Riches that he had two strikes against him, however, it has been brought to the court's attention that he received an additional strike from Riches v. Bush, No. 4:06cv00442 (D. S.C. Mar. 22, 2006). Accordingly, Riches has at least three strikes against him.

<sup>2</sup> Riches names tennis players Venus and Serena Williams, their father Richard Williams, the "U.S. Open," and "poltergeist" as defendants to his action. He claims that defendants Venus and Serena Williams are "reaching through the T.V. set to grab [him] during the U.S. Open," in an "attempted coup of [his] mind." He also alleges that the poltergeist is "roaming our airwaves and CB radio." He states that Richard Williams has had a "beef with [him] since the Nixon era" and that "he still rents summer homes from Randy Weaver." Riches claims that the tennis balls used in the U.S. Open are "electrons and neurons stolen from [his] head." He alleges that the defendants also "took Van Gogh paintings from [him]." He further alleges that Serena Williams "put the knife in Monica Seles shoulder" in 1999 and that he taught Venus Williams how to play table tennis in the county jail in 2004. Finally, he claims that the defendants told him that "they want to eat [his] head for supper" and that they want to "learn identity theft from [him]." As relief,  
(continued...)

The Clerk is directed to send a certified copy of this Memorandum Opinion and the accompanying Order to the plaintiff.

ENTER: This 12<sup>th</sup> day of September, 2007.

  
\_\_\_\_\_  
United States District Judge

### IN THE UNITED STATES DISTRICT COURT

<sup>2</sup>(...continued)

Riches asks the courts to "withdraw the Williams sisters from any more tennis tournaments" and, pursuant to Fed. R. Civ. P. Rule 64, "seize U.S. Open tennis balls [and] bring [his] neurons back [to him]."

To state a cause of action under §1983, a plaintiff must establish that he has been deprived of rights guaranteed by the Constitution or laws of the United States and that such deprivation is a result of conduct committed by a person acting under color of state law. West v. Atkins, 487 U.S. 42 (1988). Where an inmate is proceeding in forma pauperis, "the court shall dismiss the case at any time if the court determines that . . . the action . . . is frivolous . . . ." § 1915(e)(2)(B)(i). Fantastical or delusional claims are clearly baseless and, thus, are insufficient to withstand the court's evaluation for frivolity dismissal under § 1915(e)(2)(B)(i). See Denton v. Hernandez, 504 U.S. 25, 33 (1992); Neitzke v. Williams, 490 U.S. 319, 327 (1989). In this case, Riches' allegations are clearly fantastic and fail to establish that he has been deprived of a constitutionally or federally protected right. Therefore, the court finds that his complaint is frivolous.

<sup>3</sup> The court has previously notified Riches that he may not file civil actions in this court unless he either pays the filing fee or demonstrates that he is under imminent danger of serious physical injury. Therefore, the court will not give Riches additional time to pay the filing fee or amend his complaint.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DANIEL WEBBER,

Plaintiff,

Case Number: 06-14022

v.

HON. BERNARD A. FRIEDMAN

SGT. WEIDMAN, ET AL.,

Defendants.

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**ORDER OF SUMMARY DISMISSAL**

Plaintiff, a state inmate at the Standish Correctional Facility in Standish, Michigan, has filed a civil rights complaint under 42 U.S.C. § 1983, and an application to proceed without prepayment of the filing fee. *See* 28 U.S.C. § 1915(a)(1). Plaintiff has filed three prior civil rights complaints which have been dismissed as frivolous. Therefore, the Court shall dismiss the pending complaint pursuant to 28 U.S.C. § 1915(g).

Under the Prison Litigation Reform Act ("PLRA"), Pub. L. No. 104-134, 110 Stat. 1321 (1996), the Court may dismiss a case if, on three or more previous occasions, a federal court has dismissed the incarcerated plaintiff's action because it was frivolous or malicious or failed to state a claim for which relief may be granted. 28 U.S.C. § 1915(g) (1996). Plaintiff has filed three prior civil rights complaints which have been dismissed as frivolous or for failure to state a claim upon which relief may be granted. *See Webber v. Standish Maximum Correctional Facility*, No. 05-cv-10126 (E.D. Mich. Nov. 8, 2005); *Webber v. Standish Maximum Corr. Facility*, No. 06-cv-11921 (E.D. Mich. May 10, 2006); *Weber v. McGinnis*, No. 06-cv-12226 (E.D. Mich. May 22, 2006).

A plaintiff may maintain a civil action without prepayment of the filing fee despite having had three or more civil actions dismissed as frivolous if the prisoner is "under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).<sup>1</sup> To establish that his complaint falls within the statutory exception to the three strikes rule, a prisoner must allege that he is under imminent danger at the time that he seeks to file his complaint and proceed *in forma pauperis*. *Ashley v. Dilworth*, 147 F.3d 715, 717 (8<sup>th</sup> Cir. 1998) (plaintiff sufficiently alleged imminent danger of serious physical injury where he claimed that he was placed near inmates on his enemy list and subject to ongoing danger); *Banos v. O'Guin*, 144 F.3d 883, 885 (5<sup>th</sup> Cir. 1998) (past body cavity searches failed to establish imminent danger of serious physical injury); *Luedtke v. Bertrand*, 32 F. Supp. 2d 1074, 1077 (E.D. Wis. 1999) (allegation of past physical injury is insufficient to meet statutory exception).

In the pending case, Plaintiff fails to allege that he is under imminent danger of future harm. Therefore, he will not be permitted to proceed without prepayment of the filing fee and his complaint is subject to dismissal under the "three strikes" provision of 28 U.S.C. § 1915(g).

Accordingly, **IT IS ORDERED** that Plaintiff's Application to Proceed Without

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<sup>1</sup> Section 1915(g) provides, in pertinent part:

In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this subsection if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g).

Prepayment of Fees or Costs is **DENIED**.

**IT IS FURTHER ORDERED** that the complaint is **DISMISSED** pursuant to 28 U.S.C. § 1915(g). Should Plaintiff wish to pursue the allegations contained in his complaint, he must submit payment of the \$350.00 filing fee within 30 days. Upon receipt of the filing fee, the Court will re-open the case and review the complaint to determine whether it should be served or should be summarily dismissed under 28 U.S.C. § 1915A(b).

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BERNARD A. FRIEDMAN  
CHIEF UNITED STATES DISTRICT JUDGE

DATED: